

# **EXHIBIT A**



## Notice of Service of Process

null / ALL  
Transmittal Number: 28500682  
Date Processed: 02/08/2024

**Primary Contact:** Ryan Knapp  
Blockchain (US) Inc.  
8300 NE 2nd Ave  
Ste 140  
Miami, FL 33138-3825

**Electronic copy provided to:** Teddy Kider  
Blockchain Legal

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**Entity:** Blockchain (US), Inc.  
Entity ID Number 3433869

**Entity Served:** Blockchain (US), Inc.

**Title of Action:** Candice Wilhelm vs. Blockchain (US), Inc.

**Matter Name/ID:** Candice Wilhelm vs. Blockchain (US), Inc. (15260529)

**Document(s) Type:** Summons/Complaint

**Nature of Action:** Class Action

**Court/Agency:** Cook County Circuit Court, IL

**Case/Reference No:** 2023CH09543

**Jurisdiction Served:** Florida

**Date Served on CSC:** 02/08/2024

**Answer or Appearance Due:** 30 Days

**Originally Served On:** CSC

**How Served:** Personal Service

**Sender Information:** Michael L. Fradin  
847-986-5889

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

Hearing Date: No hearing scheduled

Location: &lt;&lt;Court Room Number&gt;&gt;

Judge: Calendar, 16

STATE OF ILLINOIS,  
CIRCUIT COURT

Cook COUNTY

## SUMMONS

For Court Use Only

FILED  
1/29/2024 12:00 AM  
IRIS Y. MARTINEZ  
CIRCUIT CLERK  
COOK COUNTY, IL  
2023CH09543  
Calendar, 16  
26154810

## Instructions ▼

Enter above the county  
name where the case  
was filed.Enter your name as  
Plaintiff/Petitioner.Enter the names of all  
people you are suing as  
Defendants/  
Respondents.Enter the Case Number  
given by the Circuit  
Clerk.

Candice Wilhelm

Plaintiff / Petitioner (First, middle, last name)

v.

Blockchain (US), Inc.

Defendant / Respondent (First, middle, last name)

☒ **Alias Summons** (Check this box if this is not the 1<sup>st</sup>  
Summons issued for this Defendant.)

2023CH09543

Case Number

IMPORTANT  
INFORMATION:There may be court fees to start or respond to a case. If you are unable to pay your court fees, you can apply for a fee waiver. You can find the fee waiver application at: [illinoiscourts.gov/documents-and-forms/approved-forms/](https://illinoiscourts.gov/documents-and-forms/approved-forms/).E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit [efile.illinoiscourts.gov/service-providers.htm](https://efile.illinoiscourts.gov/service-providers.htm) to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit [illinoiscourts.gov/faq/gethelp.asp](https://illinoiscourts.gov/faq/gethelp.asp) or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit [illinoislegalaid.org](https://illinoislegalaid.org).Call or text Illinois Court Help at 833-411-1121 for information about how to go to court including how to fill out and file forms. You can also get free legal information and legal referrals at [illinoislegalaid.org](https://illinoislegalaid.org).

## Plaintiff/Petitioner:

Do not use this form in an eviction, small claims, detinue, divorce, or replevin case. Use the *Eviction Summons*, *Small Claims Summons*, or *Summons Petition for Dissolution of Marriage / Civil Union* available at [illinoiscourts.gov/documents-and-forms/approved-forms](https://illinoiscourts.gov/documents-and-forms/approved-forms). If your case is a detinue or replevin, visit [illinoislegalaid.org](https://illinoislegalaid.org) for help.If you are suing more than 1 Defendant/Respondent, fill out a *Summons* form for each Defendant/Respondent.

In 1a, enter the name and address of a Defendant/Respondent. If you are serving a Registered Agent, include the Registered Agent's name and address here.

In 1b, enter a second address for Defendant/Respondent, if you have one.

In 1c, check how you are sending your documents to Defendant/Respondent.

## 1. Defendant/Respondent's address and service information:

## a. Defendant/Respondent's primary address/information for service:

Name (First, Middle, Last): Blockchain (US), Inc.

Registered Agent's name, if any: Corporation Service Company

Street Address, Unit #: 1201 Hays Street

City, State, ZIP: Tallahassee, FL 32301

Telephone: Email:

## b. If you have more than one address where Defendant/Respondent might be found, list that here:

Name (First, Middle, Last):

Street Address, Unit #:

City, State, ZIP:

Telephone: Email:

## c. Method of service on Defendant/Respondent:

☐ Sheriff☐ Sheriff outside Illinois:

County &amp; State

☐ Licensed private detectiveSERVED THIS 8 DAY OF Feb ☐ Special process server

20 24 AT 8:45 A.M. P.M.

WALT M. NEIL, SHERIFF OF LEON COUNTY, FL

BY ASIMPSON 154 DS

SEAL  
A TRUE COPY

SHERIFF OF LEON COUNTY, FLORIDA

FILED DATE: 1/29/2024 12:00 AM 2023CH09543

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

In 2, enter the amount of money owed to you.

In 3, enter your complete address, telephone number, and email address, if you have one.

**2. Information about the lawsuit:**

Amount claimed: \$ \_\_\_\_\_

**3. Contact information for the Plaintiff/Petitioner:**

Name (First, Middle, Last): Michael L. Fradin

Street Address, Unit #: 8401 Crawford Ave. Ste. 104

City, State, ZIP: Skokie, IL 60076

Telephone: (847) 986-5889 Email: mike@fradinlaw.com

**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.**Important information for the person getting this form**You have been sued. Read all of the documents attached to this *Summons*.To participate in the case, you must follow the instructions listed below. If you do not, the court may decide the case without hearing from you and you could lose the case. *Appearance* and *Answer/Response* forms can be found at: [illinoiscourts.gov/documents-and-forms/approved-forms/](http://illinoiscourts.gov/documents-and-forms/approved-forms/).Check 4a or 4b. If Defendant/Respondent only needs to file an *Appearance* and *Answer/Response* within 30 days, check box 4a. Otherwise, if the clerk gives you a court date, check box 4b.In 4a, fill out the address of the court building where the Defendant may file or e-file their *Appearance* and *Answer/Response*.

In 4b, fill out:

- The court date and time the clerk gave you.
- The courtroom and address of the court building.
- The call-in or video information for remote appearances (if applicable).
- The clerk's phone number and website. All of this information is available from the Circuit Clerk.

**4. Instructions for person receiving this *Summons* (Defendant):**

- ☒ a. To respond to this *Summons*, you must file *Appearance* and *Answer/Response* forms with the court within 30 days after you have been served (*not counting the day of service*) by e-filing or at:

Address: 50 West Washington Street (Richard J. Daley Center - Chancery Division)

City, State, ZIP: Chicago, IL 60602

- ☐ b. Attend court:

On: \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m. in \_\_\_\_\_  
Date Time Courtroom**In-person at:**

Courtroom Address City State ZIP

OR

**Remotely** (You may be able to attend this court date by phone or video conference.

This is called a "Remote Appearance":

By telephone: \_\_\_\_\_

Call-in number for telephone remote appearance

By video conference: \_\_\_\_\_

Video conference website

Video conference log-in information (meeting ID, password, etc.)

Call the Circuit Clerk at: \_\_\_\_\_ or visit their website

Circuit Clerk's phone number

at: \_\_\_\_\_ to find out more about how to do this.

Website

**STOP!**

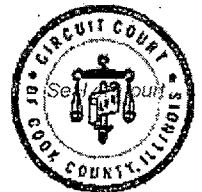
The Circuit Clerk will fill in this section.

**STOP!**

The officer or process server will fill in the Date of Service.

**Witness this Date:** \_\_\_\_\_

1/29/2024 12:00 AM IRIS Y. MARTINEZ

**Clerk of the Court:** \_\_\_\_\_**This *Summons* must be served within 30 days of the witness date.****Date of Service:** \_\_\_\_\_(Date to be entered by an officer or process server on the copy of this *Summons* left with the Defendant or other person.)

FILED DATE: 1/29/2024 12:00 AM 2023CH09543

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  Cook COUNTY		<b>PROOF OF SERVICE OF SUMMONS AND COMPLAINT/PETITION</b>	For Court Use Only
<b>Instructions</b> Enter above the county name where the case was filed. Enter your name as Plaintiff/Petitioner. Enter the names of all people you are suing as Defendants/Respondents. Enter the Case Number given by the Circuit Clerk.	Candice Wilhelm <b>Plaintiff / Petitioner</b> (First, middle, last name)  v. Blockchain (US), Inc. <b>Defendant / Respondent</b> (First, middle, last name) <input type="checkbox"/> <b>Alias Summons</b> (Check this box if this is not the 1 <sup>st</sup> Summons issued for this Defendant.)		Case Number

**\*\*Stop. Do not complete the form. The sheriff or special process server will fill in the form.\*\***My name is \_\_\_\_\_ and I state  
First, Middle, Last☐ I served the **Summons and Complaint/Petition** on the Defendant/Respondent

as follows:

First, Middle, Last

☐ Personally on the Defendant/Respondent:Male ☐ Female ☐ Non-Binary ☐ Approx. Age: \_\_\_\_\_ Race: \_\_\_\_\_On this date: \_\_\_\_\_ at this time: \_\_\_\_\_ ☐ a.m. ☐ p.m.

Address, Unit#: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

☐ On someone else at the Defendant/Respondent's home who is at least 13 years old and is a family member or lives there:On this date: \_\_\_\_\_ at this time: \_\_\_\_\_ ☐ a.m. ☐ p.m.

Address, Unit#: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

And left it with: \_\_\_\_\_

First, Middle, Last

Male ☐ Female ☐ Non-Binary ☐ Approx. Age: \_\_\_\_\_ Race: \_\_\_\_\_

and by sending a copy to this defendant in a postage-paid, sealed envelope to the above address on \_\_\_\_\_, 20\_\_\_\_.

☐ On the Corporation's agent, \_\_\_\_\_  
First, Middle, LastMale ☐ Female ☐ Non-Binary ☐ Approx. Age: \_\_\_\_\_ Race: \_\_\_\_\_On this date: \_\_\_\_\_ at this time: \_\_\_\_\_ ☐ a.m. ☐ p.m.

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

FILED DATE: 1/29/2024 12:00 AM 2023CH09543

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

☐ I was not able to serve the *Summons* and Complaint/Petition on Defendant/Respondent:\_\_\_\_\_  
*First, Middle, Last*I made the following attempts to serve the *Summons* and Complaint/Petition on the Defendant/Respondent:1. On this date: \_\_\_\_\_ at this time: \_\_\_\_\_ ☐ a.m. ☐ p.m.

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Other information about service attempt: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_2. On this date: \_\_\_\_\_ at this time: \_\_\_\_\_ ☐ a.m. ☐ p.m.

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Other information about service attempt: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_3. On this date: \_\_\_\_\_ at this time: \_\_\_\_\_ ☐ a.m. ☐ p.m.

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Other information about service attempt: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DO NOT** complete this section. The sheriff or private process server will complete it.

If you are a special process server, sheriff outside Illinois, or licensed private detective, your signature certifies that everything on the *Proof of Service of Summons* is true and correct to the best of your knowledge. You understand that making a false statement on this form could be perjury.

By: \_\_\_\_\_

Signature by: ☐ Sheriff  
☐ Sheriff outside Illinois: \_\_\_\_\_\_\_\_\_\_  
*County and State*☐ Special process server  
☐ Licensed private detective**FEES**

Service and Return: \$ \_\_\_\_\_

Miles \_\_\_\_\_ \$ \_\_\_\_\_

Total \$ 0.00

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

\_\_\_\_\_  
*Print Name*If *Summons* is served by licensed private detective or private detective agency:

License Number: \_\_\_\_\_

FILED DATE: 1/29/2024 12:00 AM 2023CH09543

Hearing Date: 3/19/2024 10:30 AM  
 Location: Court Room 2102  
 Judge: Atkins, David B.

FILED  
 11/20/2023 3:03 PM  
 IRIS Y. MARTINEZ  
 CIRCUIT CLERK  
 COOK COUNTY, IL  
 2023CH09543  
 Calendar, 16  
 25286274

STATE OF ILLINOIS  
 CIRCUIT COURT OF COOK COUNTY  
 CHANCERY DIVISION

Candice Wilhelm *individually and on  
 behalf of all others similarly situated,*

Plaintiff,

-vs-

Blockchain (US), Inc.

Defendant

Case No. 2023CH09543

Judge:

**CLASS ACTION COMPLAINT**

Now comes Plaintiff, Candice Wilhelm ("Plaintiff"), on behalf of herself and all other similarly situated, through Counsel, and pursuant to 735 ILCS §§ 5/2-801 and 2-802, and 740 ILCS § 740/14/15, against Defendant, Blockchain (US), Inc. ("Blockchain.com" or "Defendant"), its subsidiaries and affiliates, to redress and curtail Blockchain.com's unlawful collections, obtainments, use, storage, and disclosure of Plaintiff's sensitive and proprietary biometric identifiers and/or biometric information (collectively referred to herein as "biometric data" and/or "biometrics"). Plaintiff alleges as follows upon personal knowledge as to herself, her own acts and experiences and, as to all other matters, upon information and belief including investigation conducted by her attorneys.

**NATURE OF THE ACTION**

1. Blockchain.com is a website and mobile phone application owned and operated by Blockchain (US), Inc. which markets itself as a virtual platform where users may trade, purchase, borrow and transfer crypto currency.

2. Plaintiff opened an account with Blockchain.com within the five (5) years immediately preceding the filing of this Complaint.

3. As part of signing up, and/or gaining access to her Blockchain.com account, Plaintiff was prompted to allow Blockchain.com to collect her facial geometry, *i.e.*, her biometric information in order to verify her identity and ensure that she can meet the standards required by Blockchain.com in order to have access to the application.

4. Facial geometry scans are unique, permanent biometric identifiers associated with each user that cannot be changed or replaced if stolen or compromised.

5. Blockchain.com collects, stores, possesses, otherwise obtains, uses, and disseminates its users' biometric data.

6. The Illinois legislature enacted BIPA to protect residents' privacy interests in their biometric data. *See Heard v. Becton, Dickinson & Co.*, 440 F. Supp. 3d 960, 963 (N.D. Ill. 2020), citing *Rosenbach v. Six Flags Entm't Corp.*, 2019 IL 123186, 432 Ill. Dec. 654, 129 N.E.3d 1197, 1199 (2019).

7. Courts analogize an individual's privacy interest in their unique biometric data to their interest in protecting their private domain from invasion, such as from trespass. *See Bryant v. Compass Group USA, Inc.*, 958 F.3d 617, 624 (7th Cir. 2020), as amended on denial of reh'g and reh'g *en banc*, (June 30, 2020) and opinion amended on denial of reh'g *en banc*, 2020 U.S. App. LEXIS 20468, 2020 WL 6534581 (7th Cir. 2020).

8. In recognition of these concerns over the security of individuals' biometrics – particularly in the City of Chicago, which has been selected by major national corporations as a “pilot testing site[] for new applications of biometric-facilitated financial transactions, including finger-scan technologies at grocery stores, gas stations, and school cafeterias” (740 ILCS 14/5(b)) – the Illinois Legislature enacted the BIPA, which provides, *inter alia*, that a private entity like Blockchain.com Group Holdings, Inc., may not obtain and/or possess an individual's biometrics unless it: (1)



informs that person in writing that biometric identifiers or information will be collected or stored; (2) informs that person in writing of the specific purpose and length of term for which such biometric identifiers or biometric information is being collected, stored and used; (3) receives a written release from the person for the collection of his or her biometric identifiers or information; and (4) publishes publicly-available written retention schedules and guidelines for permanently destroying biometric identifiers and biometric information. 740 ILCS 14/15(a)-(b).

9. The Illinois Legislature has found that “[b]iometrics are unlike other unique identifiers that are used to access finances or other sensitive information.” 740 ILCS 14/5(c). “For example, social security numbers, when compromised, can be changed. Biometrics, however, are biologically unique to the individual; therefore, once compromised, the individual has no recourse, is at heightened risk for identity theft, and is likely to withdraw from biometric-facilitated transactions.” *Id.*

10. Blockchain (US), Inc. is a “private entity” as that term is broadly defined by BIPA and is subject to all requirements of BIPA. *See* 740 ILCS § 14/10.

### **JURISDICTION AND VENUE**

11. This is a Class Action Complaint for violations of the Illinois Biometric Information Privacy Act (740 ILCS § 14/1 *et seq.*) brought pursuant to 735 ILCS §§ 5/2-801, 2-802 seeking statutory damages.

12. Venue is proper in this Court because a substantial amount of the acts and omissions giving rise to this Action occurred within this judicial district.

13. At all relevant times, Plaintiff is a resident of the state of Illinois and the violations of BIPA as detailed herein occurred while Plaintiff was located in Illinois.

14. Blockchain.com operates as a cryptocurrency corporation/platform which markets itself

and does substantial business with users located in and residing within the State of Illinois.

15. Blockchain.com markets directly to Illinois residents.

16. Blockchain.com's marketing efforts include, but are not limited to, pay-per-click advertising, Facebook ads, Instagram ads, and other social media marketing campaigns targeted specifically at individuals residing within the City of Chicago and State of Illinois.

17. Blockchain.com's marketing efforts directed towards Illinois were a factor in Plaintiff's decision to open an account on Blockchain.com.

#### **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

18. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

19. Plaintiff opened an account with Blockchain.com within the five years immediately preceding the filing of this Complaint.

20. As part of signing up, and/or gaining access to her Blockchain.com account, Plaintiff was prompted to allow Blockchain.com to collect her facial geometry, *i.e.*, her biometric information in order to verify her identity and ensure that she can meet the standards required by Blockchain.com in order to have access to the application.

21. At the time of collecting and retaining Plaintiff's biometric information, Blockchain.com had no written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric information when the initial purpose for collecting or obtaining such biometric information has been satisfied or within 3 years of the individual's last interaction with Blockchain.com, whichever occurs first.

22. Blockchain.com did not inform Plaintiff in writing that Blockchain.com was collecting or storing her biometric information.

23. In fact, Blockchain.com made no mention of biometric information, collection of biometric information, or storage of biometric information.

24. Moreover, Blockchain.com did not inform Plaintiff in writing of the specific purpose and length of term for which her biometric information was being collected, stored, and used.

25. Blockchain.com collected, stored, and used Plaintiff's biometric information without ever receiving a written release executed by Plaintiff which would consent to or authorize Blockchain.com to do the same.

26. Additionally, Blockchain.com disclosed, redisclosed, or otherwise disseminated Plaintiff's information (1) without Plaintiff's consent; (2) without Plaintiff's authorization to complete a financial transaction requested or authorized by; (3) without being required by State or federal law or municipal ordinance; or (4) without being required pursuant to a valid warrant or subpoena issued by a court of competent jurisdiction.

27. Blockchain.com's collection and retention of biometric information as described herein is not unique to Plaintiff and is instead part of Blockchain.com's policy and procedures which it applies to all of its users, including the Class Members.

#### **CLASS DEFINITIONS AND ALLEGATIONS**

28. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

29. Plaintiff brings Claims for Relief in violation of BIPA as a class action on behalf of herself and all members of the following Class:

**All Illinois residents who had their biometric information collected by Defendant at any point in the five (5) years preceding the filing of this Complaint.**

30. In the alternative, and for the convenience of this Court and the parties, Plaintiff may

seek to certify other subclasses at the time the motion for class certification is filed.

31. **Numerosity.** The Class Members are so numerous that joinder of all members is impracticable. Plaintiff is informed and believes that there are more than 1,000 people who satisfy the definition of the Class.

32. **Existence of Common Questions of Law and Fact.** Common questions of law and fact exist as to Plaintiff and the Class Members including, but not limited to, the following:

a. Whether Blockchain.com possessed Plaintiff's and the Class Members' biometric identifiers or biometric information without first developing a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric identifiers and biometric information when the initial purpose for collecting or obtaining such identifiers or information has been satisfied or within 3 years of the individual's last interaction with Defendant, whichever occurs first.

b. Whether Blockchain.com collected, captured, purchased, received through trade, or otherwise obtained Plaintiff's and the Class Members' biometric identifier or biometric information, without first: (1) informing Plaintiff and the Class Members in writing that a biometric identifier or biometric information is being collected or stored; (2) informing Plaintiff and the Class Members in writing of the specific purpose and length of term for which their biometric identifier or biometric information was being collected, stored, and used; and (3) receiving a written release executed by Plaintiff and the Class Members

c. Whether Blockchain.com disclosed, redisclosed, or otherwise disseminated Plaintiff's and the Class Members' biometric identifiers or biometric information (1) without Plaintiff's and the Class Members' consent; (2) without Plaintiff's and the Class Members' authorization to complete a financial transaction requested or authorized by Plaintiff and the Class Members; (3)

without being required by State or Federal law or municipal ordinance; or (4) without being required pursuant to a valid warrant or subpoena issued by a court of competent jurisdiction.

d. The damages sustained and the proper monetary amounts recoverable by Plaintiff and the Class Members.

33. **Adequacy.** Plaintiff will fairly and adequately represent and protect the interests of the Class Members. Plaintiff has retained counsel competent and experienced in complex class actions.

34. **Appropriateness and Efficiency.** Class certification is also appropriate and efficient because questions of law and fact common to the Class Members predominate over questions affecting only individual members of the classes, and because a class action is superior to other available methods for the fair and efficient adjudication of this litigation. Blockchain.com's common and uniform policies and practices illegally deprived Plaintiff and the Class Members of the privacy protections which BIPA seeks to ensure; thus, making the question of liability and damages much more manageable and efficient to resolve in a class action, compared to hundreds of individual trials. The damages suffered by individual Class Members are small compared to the expense and burden of individual prosecution. In addition, class certification will obviate the need for unduly duplicative litigation that might result in inconsistent judgments about Blockchain.com's practices.

**COUNT ONE: VIOLATION OF 740 ILCS § 14/15(a)**

35. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

36. A private entity in possession of biometric identifiers or biometric information must

develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric identifiers and biometric information when the initial purpose for collecting or obtaining such identifiers or information has been satisfied or within 3 years of the individual's last interaction with the private entity, whichever occurs first. Absent a valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in possession of biometric identifiers or biometric information must comply with its established retention schedule and destruction guidelines. 740 ILCS § 14/15(a).

37. As part of signing up, and/or gaining access to their Blockchain.com accounts, Plaintiff and the Class Members were prompted to allow Blockchain.com to collect their facial geometry, *i.e.*, their biometric information.

38. At the time of collecting and retaining Plaintiff's and the Class Members' biometric information, Blockchain.com had no written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric information when the initial purpose for collecting or obtaining such biometric information has been satisfied or within 3 years of the individual's last interaction with Blockchain.com, whichever occurs first.

39. As such, Blockchain.com's retention of Plaintiff's and the Class Members' biometric information was unlawful and in violation of 740 ILCS § 14/15(a).

**COUNT TWO: VIOLATION OF 740 ILCS § 14/15(b)**

40. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

41. No private entity may collect, capture, purchase, receive through trade, or otherwise obtain a person's or a customer's biometric identifier or biometric information, unless it first:

(1) informs the subject or the subject's legally authorized representative in writing that a biometric identifier or biometric information is being collected or stored;

(2) informs the subject or the subject's legally authorized representative in writing of the specific purpose and length of term for which a biometric identifier or biometric information is being collected, stored, and used; and

(3) receives a written release executed by the subject of the biometric identifier or biometric information or the subject's legally authorized representative. 740 ILCS § 14/15(b).

42. Blockchain.com did not inform Plaintiff and the Class Members in writing that Blockchain.com was collecting or storing their biometric information.

43. In fact, Blockchain.com made no mention of biometric information, collection of biometric information, or storage of biometric information.

44. Moreover, Blockchain.com did not inform Plaintiff and the Class Members in writing of the specific purpose and length of term for which their biometric information was being collected, stored, and used.

45. Blockchain.com collected, stored, and used Plaintiff's and the Class Members' biometric information without ever receiving a written release executed by Plaintiff or the Class Members which would consent to or authorize Blockchain.com to do the same.

46. As such, Blockchain.com's collection of Plaintiff's and the Class Members' biometric information was unlawful and in violation of 740 ILCS § 14/15(c).

**COUNT THREE: VIOLATION OF 740 ILCS § 14/15(d)**

47. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

48. No private entity in possession of a biometric identifier or biometric information may disclose, redisclose, or otherwise disseminate a person's or a customer's biometric identifier or biometric information unless:

(1) the subject of the biometric identifier or biometric information or the subject's legally authorized representative consents to the disclosure or redisclosure;

(2) the disclosure or redisclosure completes a financial transaction requested or authorized by the subject of the biometric identifier or the biometric information or the subject's legally authorized representative;

(3) the disclosure or redisclosure is required by State or federal law or municipal ordinance; or

(4) the disclosure is required pursuant to a valid warrant or subpoena issued by a court of competent jurisdiction. 740 ILCS § 14/15(d).

49. Blockchain.com's disclosures, redisclosures, or otherwise disseminating of Plaintiff's and the Class Members' biometric information was unlawful and in violation of 740 ILCS § 14/15(d).

**WHEREFORE**, individually, and on behalf of the Class Members, the Plaintiff prays for:

- (1) certification of this case as a class action appointing the undersigned counsel as class counsel;
- (2) a declaration that Blockchain.com has violated BIPA, 740 ILCS 14/1 *et seq.*; (3) statutory damages of \$5,000.00 for each intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Blockchain.com's violations of BIPA were not willful;
- (4) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); (5) actual damages; and (6) for any other relief deemed appropriate in the premises.

Dated: November 20, 2023

Respectfully submitted,

By: /s/ Michael L. Fradin

Michael L. Fradin, Esq.  
8 N. Court St. Suite 403  
Athens, Ohio 45701  
Telephone: 847-986-5889  
Facsimile: 847-673-1228  
Email: mike@fradinlaw.com



By: /s/ James L. Simon

James L. Simon (*pro hac vice* forthcoming)

Simon Law Co.

11 ½ N. Franklin Street

Chagrin Falls, Ohio 44022

Telephone: (216) 816-8696

Email: james@simonsayspay.com

Hearing Date: No hearing scheduled

Location: &lt;&lt;Court Room Number&gt;&gt;

Judge: Calendar, 16

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

<b>STATE OF ILLINOIS,</b> <b>CIRCUIT COURT</b>  <b>Cook COUNTY</b>		<b>SUMMONS</b>		For Court Use Only FILED 1/29/2024 12:00 AM IRIS Y. MARTINEZ CIRCUIT CLERK COOK COUNTY, IL 2023CH09543 Calendar, 16 26154810
<b>Instructions ▼</b> Enter above the county name where the case was filed. Enter your name as Plaintiff/Petitioner. Enter the names of all people you are suing as Defendants/Respondents. Enter the Case Number given by the Circuit Clerk.	Candice Wilhelm <b>Plaintiff / Petitioner</b> (First, middle, last name)  v.  Blockchain (US), Inc. <b>Defendant / Respondent</b> (First, middle, last name)  <input checked="" type="checkbox"/> <b>Alias Summons</b> (Check this box if this is not the 1 <sup>st</sup> Summons issued for this Defendant.)		2023CH09543  <b>Case Number</b>	

**IMPORTANT INFORMATION:**

There may be court fees to start or respond to a case. If you are unable to pay your court fees, you can apply for a fee waiver. You can find the fee waiver application at: [illinoiscourts.gov/documents-and-forms/approved-forms/](http://illinoiscourts.gov/documents-and-forms/approved-forms/).

E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit [efile.illinoiscourts.gov/service-providers.htm](http://efile.illinoiscourts.gov/service-providers.htm) to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit [illinoiscourts.gov/faq/gethelp.asp](http://illinoiscourts.gov/faq/gethelp.asp) or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit [illinoislegalaid.org](http://illinoislegalaid.org).

Call or text Illinois Court Help at 833-411-1121 for information about how to go to court including how to fill out and file forms. You can also get free legal information and legal referrals at [illinoislegalaid.org](http://illinoislegalaid.org).

**Plaintiff/Petitioner:**

Do not use this form in an eviction, small claims, detinue, divorce, or replevin case. Use the *Eviction Summons, Small Claims Summons, or Summons Petition for Dissolution of Marriage / Civil Union* available at [illinoiscourts.gov/documents-and-forms/approved-forms](http://illinoiscourts.gov/documents-and-forms/approved-forms). If your case is a detinue or replevin, visit [illinoislegalaid.org](http://illinoislegalaid.org) for help.

If you are suing more than 1 Defendant/Respondent, fill out a *Summons* form for each Defendant/Respondent.

In 1a, enter the name and address of a Defendant/Respondent. If you are serving a Registered Agent, include the Registered Agent's name and address here.

In 1b, enter a second address for Defendant/Respondent, if you have one.

In 1c, check how you are sending your documents to Defendant/Respondent.

**1. Defendant/Respondent's address and service information:****a. Defendant/Respondent's primary address/information for service:**Name (First, Middle, Last): Blockchain (US), Inc.Registered Agent's name, if any: Corporation Service CompanyStreet Address, Unit #: 1201 Hays StreetCity, State, ZIP: Tallahassee, FL 32301

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**b. If you have more than one address where Defendant/Respondent might be found, list that here:**

Name (First, Middle, Last): \_\_\_\_\_

Street Address, Unit #: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**c. Method of service on Defendant/Respondent:**☐ Sheriff☐ Sheriff outside Illinois: \_\_\_\_\_

County &amp; State

☐ Special process server☐ Licensed private detective

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

In 2, enter the amount of money owed to you.

In 3, enter your complete address, telephone number, and email address, if you have one.

**2. Information about the lawsuit:**

Amount claimed: \$ \_\_\_\_\_

**3. Contact information for the Plaintiff/Petitioner:**Name (First, Middle, Last): Michael L. FradinStreet Address, Unit #: 8401 Crawford Ave. Ste. 104City, State, ZIP: Skokie, IL 60076Telephone: (847) 986-5889 Email: mike@fradinlaw.com**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.**Important information for the person getting this form**You have been sued. Read all of the documents attached to this *Summons*.To participate in the case, you must follow the instructions listed below. If you do not, the court may decide the case without hearing from you and you could lose the case. *Appearance* and *Answer/Response* forms can be found at: [illinoiscourts.gov/documents-and-forms/approved-forms/](http://illinoiscourts.gov/documents-and-forms/approved-forms/).Check 4a or 4b. If Defendant/Respondent only needs to file an *Appearance* and *Answer/Response* within 30 days, check box 4a. Otherwise, if the clerk gives you a court date, check box 4b.In 4a, fill out the address of the court building where the Defendant may file or e-file their *Appearance* and *Answer/Response*.In 4b, fill out:  
•The court date and time the clerk gave you.  
•The courtroom and address of the court building.  
•The call-in or video information for remote appearances (if applicable).  
•The clerk's phone number and website. All of this information is available from the Circuit Clerk.**4. Instructions for person receiving this *Summons* (Defendant):**

- ☒
- a. To respond to this
- Summons*
- , you must file
- Appearance*
- and
- Answer/Response*
- forms with the court within 30 days after you have been served (not counting the day of service) by e-filing or at:

Address: 50 West Washington Street (Richard J. Daley Center - Chancery Division)City, State, ZIP: Chicago, IL 60602

- ☐
- b. Attend court:

On: \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m. in \_\_\_\_\_  
Date Time Courtroom**In-person at:**

Courthouse Address City State ZIP

OR

**Remotely** (You may be able to attend this court date by phone or video conference.

This is called a "Remote Appearance":

By telephone: \_\_\_\_\_

Call-in number for telephone remote appearance

By video conference: \_\_\_\_\_

Video conference website

Video conference log-in information (meeting ID, password, etc.)

Call the Circuit Clerk at: \_\_\_\_\_ or visit their website

Circuit Clerk's phone number

at: \_\_\_\_\_ to find out more about how to do this.

Website

**STOP!**

The Circuit Clerk will fill in this section.

**STOP!**

The officer or process server will fill in the Date of Service.

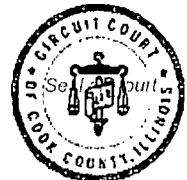
Witness this Date: \_\_\_\_\_

1/29/2024 12:00 AM IRIS Y. MARTINEZ

Clerk of the Court: \_\_\_\_\_

**This *Summons* must be served within 30 days of the witness date.**

Date of Service: \_\_\_\_\_

(Date to be entered by an officer or process server on the copy of this *Summons* left with the Defendant or other person.)

FILED DATE: 1/29/2024 12:00 AM 2023CH09543

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  Cook COUNTY		<b>PROOF OF SERVICE OF SUMMONS AND COMPLAINT/PETITION</b>	For Court Use Only
<b>Instructions</b>  Enter above the county name where the case was filed.  Enter your name as Plaintiff/Petitioner.  Enter the names of all people you are suing as Defendants/Respondents.  Enter the Case Number given by the Circuit Clerk.	Candice Wilhelm <b>Plaintiff / Petitioner</b> <i>(First, middle, last name)</i>  v.  Blockchain (US), Inc. <b>Defendant / Respondent</b> <i>(First, middle, last name)</i>  <input type="checkbox"/> <b>Alias Summons</b> <i>(Check this box if this is not the 1<sup>st</sup> Summons issued for this Defendant.)</i>		
	Case Number		

Male ☐ Female ☐ Non-Binary ☐ Approx. Age: \_\_\_\_\_ Race: \_\_\_\_\_  
On this date: \_\_\_\_\_ at this time: \_\_\_\_\_ ☐ a.m. ☐ p.m.  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

☐ I was not able to serve the **Summons** and Complaint/Petition on Defendant/Respondent:\_\_\_\_\_  
First, Middle, LastI made the following attempts to serve the **Summons** and Complaint/Petition on the Defendant/Respondent:1. On this date: \_\_\_\_\_ at this time: \_\_\_\_\_ ☐ a.m. ☐ p.m.

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Other information about service attempt: \_\_\_\_\_

2. On this date: \_\_\_\_\_ at this time: \_\_\_\_\_ ☐ a.m. ☐ p.m.

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Other information about service attempt: \_\_\_\_\_

3. On this date: \_\_\_\_\_ at this time: \_\_\_\_\_ ☐ a.m. ☐ p.m.

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Other information about service attempt: \_\_\_\_\_

**DO NOT** complete this section. The sheriff or private process server will complete it.

If you are a special process server, sheriff outside Illinois, or licensed private detective, your signature certifies that everything on the **Proof of Service of Summons** is true and correct to the best of your knowledge. You understand that making a false statement on this form could be perjury.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

By: \_\_\_\_\_

Signature by: ☐ Sheriff  
☐ Sheriff outside Illinois:

\_\_\_\_\_  
County and State

☐ Special process server  
☐ Licensed private detective

**FEES**

Service and Return:	\$
Miles	\$
Total	\$ 0.00

\_\_\_\_\_  
Print NameIf **Summons** is served by licensed private detective or private detective agency:

License Number: \_\_\_\_\_

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